

Initiative 1033 co-sponsors' (Tim Eyman, Mike Fagan and Jack Fagan) case challenging the assumptions around the Office of Financial Management's (OFM) fiscal impact statement was heard in Thurston County Superior Court earlier today. The judge ruled that the burden of proof had not been met by the co-sponsors. As a result, the OFM fiscal note will be published in the general election voter's pamphlet as originally released in August.

Mr. Eyman and the Fagans challenged that OFM's impact statement was based on a series of assumptions which inaccurately describe the initiative. An excerpt of the court documents outlining the co-sponsors' arguments can be found on [AWC's website](#).

The Attorney General's office (AG) represented the defendants, the Director of the Office of Financial Management and the Secretary of State. They argued that the court should not try to second-guess the discretionary decisions on the assumptions outlined in the fiscal note unless they were obviously arbitrary and capricious.

The AG also stated that their official position was consistent with the OFM fiscal impact statement, but noted that their office tries to avoid interpreting initiatives before becoming law. In following this charge, they were consulted by OFM while the impact statement was being developed, and concluded that OFM's assumptions were "reasonable." This leaves the door open for another AG or court interpretation of the initiative should it become law.

For more information on I-1033 visit AWC's website at www.awcnet.org/initiatives.

The Association of Washington Cities provides information for educational purposes only. This is not intended to be an expression for or against a ballot measure. AWC will continue to provide information about the fiscal impacts of this initiative on cities. City officials may want to consult legal advice for specific impacts on your city.

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